

Remarks

This is responsive to the Office Action mailed on July 27, 2005. Reconsideration of the instant application in view thereof is respectfully requested.

Claims 1 and 3-12 are pending. Claims 1 and 3-12 are rejected. Claims 10, 11 and 12 are canceled. Claims 1 and 6 have been amended. Support for these claims may be found on pages 4 and 6 of the specification. No new matter has been added.

Claim Rejections under 35 U.S.C. §112, first paragraph

Claims 1 and 3-12 are rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for a composition containing an alkaline agent selected from an amine or an alkaline earth base as set forth on page 4 of the specification, does not reasonably provide enablement for the recitation of an "alkaline agent" generically, which includes substances neither contemplated nor disclosed by applicants. Claims 1 and 3-12 are rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for a composition containing a hydration inhibitor selected from a polymer or copolymer of polycarboxylic acid as set forth on page 4 of the specification, does not reasonably provide enablement for the recitation of a "hydration inhibitor" generically which includes substances neither contemplated nor disclosed by Applicants. Claims 1 and 3-12 are rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for a composition containing an activator selected from metal salt, which can provide acidic cations as set forth on page 6 of the specification, does not reasonably provide enablement for the recitation of an "activator" generically which includes substances neither contemplated nor disclosed by Applicants. In view of the amendments to claims 1 and 6, Applicants respectfully request these rejections be withdrawn.

Rejections under 35 U.S.C. §103(a)

Claims 1 and 3-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Patel (U.S. Patent No. 5,779,786). Applicants respectfully traverse this rejection because Patel does not teach or disclose mixing a composition having a latex (polymer) or a separate component having the combination of gypsum, an alkaline first polymer, an alkaline agent selected from the group consisting of ammonia, primary amines, secondary amines, tertiary amines, hydroxide, carbonate, bicarbonate, and acetate salts of alkaline metals, and a hydration inhibitor selected from the group consisting of polymers and copolymers of acrylic acid, methacrylic acid, itaconic

acid and fumaric acid.

Patel discloses a composition having gypsum powder (calcium sulfate hemihydrate), water and a set-retarding agent. See, Patel, claim 1 and Abstract. However, Patel does not disclose either using a latex (referred to as and alkaline first polymer in Applicant's specification and claims) in the composition or the combination of Component A claimed in claims 1 and 6.

Claims 1 and 3-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over GB 1,432,157 ("the '157 patent"). Applicants respectfully traverse this rejection because the '157 patent also does not teach or disclose a composition having a latex (polymer) or a separate component having the combination of gypsum, an alkaline first polymer, an alkaline agent selected from the group consisting of ammonia, primary amines, secondary amines, tertiary amines, hydroxide, carbonate, bicarbonate, and acetate salts of alkaline metals, and a hydration inhibitor selected from the group consisting of polymers and copolymers of acrylic acid, methacrylic acid, itaconic acid and fumaric acid.


The '157 patent discloses an aqueous slurry comprising calcined gypsum powder, polyvinyl alcohol and an aqueous solution of a metal compound. See, the '157 patent, claim 1 and page 1, lines 49-55. The gypsum powder is mixed with the polyvinyl alcohol and aqueous solution to form the slurry. However, similar to Patel, the '157 patent does not disclose either a composition having a latex (polymer) or the combination of Component A claimed in claims 1 and 6.

Conclusion

In view of the above amendments and remarks, Applicants believe that the pending claims are in condition for allowance, and early and favorable action is earnestly solicited.

This Paper is believed to be timely filed and that no additional fees are due. However, if any additional fee is deemed required for consideration of this Response, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 18-1850.

Respectfully submitted,



Kim R. Jessum
Attorney for Applicants
Registration No. 43,694
Telephone No. 215-592-3689

Rohm and Haas Company
100 Independence Mall West
Philadelphia, PA 19106-2399

October 26, 2005